

Remarks

With entry of this amendment, claims 34-39, 56-61, 82-87 and 108-113 are pending in this application with claims 34, 56, 82, and 108 being independent claims. By the foregoing amendment, claims 1-6 and 23-28 are sought to be canceled without prejudice or disclaimer.

Restriction Requirement

The Examiner identified the above-captioned application as containing more than one independent and distinct invention. The Examiner has required a restriction to one of the following identified groups:

- Group I: claims 1-6 drawn to a method of transforming a plant cell with *Agrobacterium*.
- Group II: claims 23-28 drawn to a method of transforming a plant cell by homologous recombination and plant cells produced by said method.
- Group III: claims 34-39, 56-61, 82-87 and 108-113 drawn to a method for regenerating a plant or forming a somatic embryo.

Applicant elects with traverse Group III comprising claims 34-39, 56-61, 82-87 and 108-113 directed to a method for regenerating a plant or forming a somatic embryo. Applicant has canceled claims 1-6 and 23-28 comprising Groups I and II without prejudice or disclaimer, thereby rendering the Examiner's restriction requirement with respect to Groups I and II as moot.

Reconsideration and withdrawal of the restriction requirement, and consideration and allowance of all pending claims, are respectfully requested.

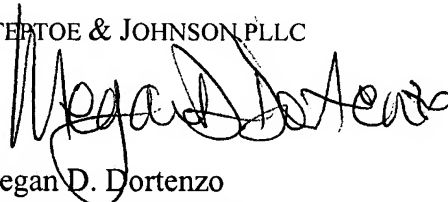
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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